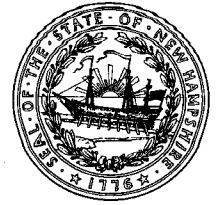




The State of New Hampshire  
**Department of Environmental Services**



**Michael P. Nolin**  
Commissioner

**LETTER OF DEFICIENCY**  
**WET 06-023**

March 22, 2006

Douglas Cubbon  
60 Bridge Street  
Millis, MA 02054

RE: DES Wetlands File #2004-02716 7 Westborn Circle, Moultonborough

Dear Mr. Cubbon:

On February 8, 2006, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above-referenced property, more specifically referenced on Town of Moultonborough Tax Map 82 as Lot 390 (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A and NH Code of Admin. Rules Wt 100-800.

During the inspection the following deficiency was documented:

1. Pursuant to the DES on-site inspection report issued to you June 3, 2005 (copy enclosed), a stump and soil berm was to have been moved out of wetlands by September 1, 2005. As of February 8, 2006, the stump and soil berm had not been removed.

In response, you are requested to take the following actions:

1. By April 22, 2006, submit a restoration plan to DES for review and approval. Have the restoration plan prepared by a certified wetland scientist, and include provisions for removal of the stump and soil berm and replanting of disturbed areas on the Property. Submit the following with the restoration plan:

- a. A plan with dimensions, drawn to scale, showing:
  1. Existing conditions, with wetland boundaries; and
  2. Proposed conditions after reestablishing the jurisdictional areas;
- b. A detailed description of the proposed means of erosion control (silt fence, hay bales, *etc.*) and stabilization of the restoration area;
- c. A detailed description of the proposed planting plan for the stabilization and revegetation of the restoration area and control of invasive species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*);
- d. A description of the proposed construction sequence and methods for accomplishing restoration and anticipated restoration compliance date.
- e. A description of the method of documenting at least 75% survival of all vegetation planted during the restoration project. This should include at a minimum a monitoring progress report following completion of the restoration project.

2. Retain a qualified wetland scientist to supervise the implementation of the restoration plan and to submit the restoration progress reports.
3. Implement the restoration plan only after receiving written approval and as conditioned by DES.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for imposition of civil penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Linda Magoon  
Wetlands Bureau  
Department of Environmental Services  
29 Hazen Drive  
PO Box 95  
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact Linda Magoon at (603) 271-4056 or by e-mail at [lmagoon@des.state.nh.us](mailto:lmagoon@des.state.nh.us)

Sincerely,



Collis G. Adams, CWS  
Administrator  
Wetlands Bureau

CERTIFIED MAIL 7004 2510 0003 1195 8190

cc: Rene Pelletier, Asst. Director, Water Division  
Gretchen R. Hamel, Administrator, DES Legal Unit  
Moultonborough Conservation Commission  
Moultonborough Board of Selectmen  
USACOE